United Nations A/HRC/39/52

General Assembly

Distr.: General
27 July 2018

Original: English

Human Rights Council
Thirty-ninth session
10–28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Note by the Secretariat

Summary

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, submitted pursuant to Human Rights Council resolution 33/1.

In the present report, the Special Rapporteur discusses the impact of slavery and servitude on marginalized migrant women workers in the global domestic economy.

The Special Rapporteur outlines the State obligations related to the protection of migrant workers; she indicates how women migrant domestic workers are affected by servitude, as bolstered by State economic policy, and she refers to human rights violations affecting migrant domestic workers before discussing options and persisting limitations in accessing justice. In her report, the Special Rapporteur also refers to the role of private employment agencies and to positive measures taken by Member States to protect against domestic servitude.

To prevent human rights violations including servitude in the domestic sector, policies are needed that tackle discrimination while also helping to balance the legitimate concerns of both employers and workers. A sustainable domestic work economy should ensure access to justice, effective enforcement and remedies in the case of exploitation and abuse, while also addressing issues of prejudice against migrants through advocacy.

In her recommendations, the Special Rapporteur advises States on how to effectively prevent and combat domestic servitude by ensuring the protection of migrant women and their access to decent work.

GE.18-12469(E)

1812469

Please recycle

Contents

		Page
I.	Introduction and activities of the Special Rapporteur	3
	A. Participation in consultations and conferences	3
	B. Country and follow-up visits	3
II.	Legal concepts: slavery, servitude and forced labour	4
III.	State obligations under international human rights law and labour law to protect migrant workers in domestic servitude	5
IV.	Women migrant domestic workers, economic policies and causes of servitude	6
V.	Human rights violations and access to justice	10
VI.	The role of private employment agencies	13
VII.	Positive measures to protect against domestic servitude	14
VIII.	Conclusions and recommendations	16
	A. Conclusions	16
	B. Recommendations to States	17
	C. Recommendations to other stakeholders	19

I. Introduction and activities of the Special Rapporteur

A. Participation in consultations and conferences

1. During the reporting period, the Special Rapporteur took part in a wide range of international conferences and initiatives relating to the prevention and eradication of contemporary forms of slavery.

2. In October 2017, the Special Rapporteur contributed to the development of a video by the Council on Foreign Relations on contemporary forms of slavery, which is part of an information guide about modern slavery, published in January 2018.[1]

3. In December 2017, the Special Rapporteur delivered a video statement at the legislative drafting seminar on modern slavery and human trafficking organized by the United Kingdom of Great Britain and Northern Ireland branch of the Commonwealth Parliamentary Association. In the same month, she delivered a keynote speech through a video message during a workshop organized by the Government of Mauritania in partnership with the Office of the United Nations High Commissioner for Human Rights in Mauritania. The purpose of the workshop was to assess progress in implementing the road map for eradicating contemporary forms of slavery subsequent to the Special Rapporteur's visit from 25 to 28 April 2017.

4. In April 2018, the Special Rapporteur convened a round table on the gender dimension of contemporary forms of slavery, which was attended by representatives of civil society and United Nations agencies. In the same month, the Special Rapporteur took part in a panel discussion on target 8.7 of the Sustainable Development Goals convened by the Commonwealth Human Rights Initiative prior to the Commonwealth Heads of Government Meeting.

5. In June 2018, the Special Rapporteur attended a panel discussion on global perspectives on modern day slavery in New York, convened by the Union Internationale des Avocats. She also took part in a high-level meeting on innovative initiatives for achieving target 8.7 of the Sustainable Development Goals and in a conference on measuring progress towards achieving target 8.7 organized by Alliance 8.7. The Special Rapporteur also attended the launch of the 2018 Global Slavery Index.

6. In October 2018, the Special Rapporteur will present a thematic report on the gender dimension of contemporary forms of slavery to the General Assembly during its seventy-third session.

7. A public call for submissions to the present report was placed on the website of the mandate and a questionnaire circulated to all the Permanent Missions in Geneva, to specialized agencies, intergovernmental organizations and civil society. A number of submissions were received from States, intergovernmental organizations and civil society and these were taken into account in drafting the report. The Special Rapporteur expresses her gratitude to all who provided information and made submissions.

8. The present report focuses specifically on migrant domestic workers and complements the report on the manifestations and causes of domestic servitude issued by the previous Special Rapporteur on contemporary forms of slavery (A/HRC/15/20).

B. Country and follow-up visits

9. The Special Rapporteur conducted an official visit to Paraguay from 17 to 24 July 2017 (A/HRC/39/52/Add.1). From 4 to 8 August 2017, the Special Rapporteur conducted an official visit to the Niger to follow up on the implementation of the recommendations

[1] See www.cfr.org/interactives/modern-slavery/#!/section6/item-38.

presented in her 2015 report after undertaking a country visit in 2014 (A/HRC/30/35/Add.1).

10. The Governments of Italy and Togo have accepted the Special Rapporteur's request to conduct an official visit in the second half of 2018. She thanks both Governments for their support and calls on other Member States to respond favourably to her requests for visits.

II. Legal concepts: slavery, servitude and forced labour

11. Today about half the total population of international migrants are women. They usually move across international borders in search of a better life for themselves and their families. Many of these women suffered from poverty, marginalization and gender-based violence and discrimination in their countries of origin. In destination countries, they often find that working in female-dominated occupations, such as in the domestic sector, is their only option. As migrant domestic workers, some women face grave human rights violations including servitude and slavery-like practices. The present report assesses the impact of slavery and servitude on marginalized women workers in the global domestic economy.

12. Despite its prohibition as a universally applicable international customary law norm enforceable by States against one another[2] and from which no derogation is permissible even in situations of emergency,[3] slavery continues to exist as one of the most egregious human rights violations in the global economy. The definition of slavery elaborated in the Slavery Convention of 1926, as supplemented by the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956, as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised", remains applicable today. However, the legal right to ownership has been replaced by many different forms of coercion and control and, as discussed in the present report, are exacerbated in the case of migrant workers in domestic servitude, who are in a foreign country and have irregular migrant status.

13. The exercise of "any or all of the powers attaching to the right of ownership" thus distinguishes servitude from "slavery".[4] In practice, however, the distinction is often not very clear and depends largely on the degree of control and power exercised over the individual. In its decisions, the European Court of Human Rights has set out a number of indicators for domestic servitude involving migrant domestic workers linked to the vulnerability of the person, limitations on personal freedom, violation of human dignity, excessive hours of work, no payment or remuneration or disproportionate payments and the perceived permanency of the situation.[5]

14. Servitude often occurs in situations of economic exploitation "in which the victim is so dependent on the perpetrator that she or he cannot leave the situation of exploitation" (see A/HRC/15/20, para. 47). Dependency can be created by economic factors, lack of freedom of movement and physical and psychological abuse (ibid., paras. 48–51). Servitude often results from debt bondage, especially where excessive recruitment fees are charged by agents and the recruitment of migrant workers is unregulated in national legislation. Debt bondage is defined as "the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value

[2] *Barcelona Traction, Light and Power Company, Ltd (Belgium v. Spain), Judgment of 5 February 1970, I.C.J. reports 1970*, p. 3.

[3] International Covenant on Civil and Political Rights, art. 4 (2).

[4] The Supplementary Convention on the Abolition of Slavery recognizes that institutions and practices such as those listed in article 1 may also constitute slavery.

[5] See, for example, *Siliadin v. France*, judgment of 26 October 2005 (application No. 73316/01). See also Helen Duffy, "Litigating modern day slavery in regional courts", *Journal of International Criminal Justice*, vol. 14, No. 2 (May 2016).

of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined".[6]

15. Slavery, in its traditional form as chattel slavery exists at one end of a continuum of human exploitation. Domestic and other forms of servitude, forced labour and other slavery-like practices exist along this continuum. Forced labour is "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily".[7] At the other end of the continuum is decent work, which respects all fundamental principles and rights at work.[8] Access to decent work is the antidote to slavery and all forms of labour exploitation and human rights violations at work. It forms a key objective of target 8.7 of the Sustainable Development Goals, which encompasses a universal commitment to eradicate forced labour and end modern slavery and human trafficking.

16. Slavery, servitude and forced labour often occur as a result of human trafficking, which under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime is explicitly linked to those forms of exploitation. The present report, however, focuses only on voluntary migration for domestic work.

III. State obligations under international human rights law and labour law to protect migrant workers in domestic servitude

17. Article 6 of the International Covenant on Economic, Social and Cultural Rights recognizes the right of everyone, among other rights, to the right to work, which includes the right to the opportunity to gain a living by work freely chosen or accepted; to the enjoyment of just and favourable conditions of work: to form trade unions and join a trade union of one's choice; and the right to social security, including social insurance. This right applies to everyone including to migrant workers.[9] The International Covenant on Civil and Political Rights provides for a catalogue of rights, including equality before the law without any discrimination and freedom of association (arts. 26 and 22 respectively), which also apply to migrant workers without discrimination.

18. Additionally, States bear specific obligations to protect the human rights of migrant workers under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In article 2 of the Convention a migrant worker is defined as a person "engaged in a remunerated activity in a State of which he or she is not a national". In article 5 migrant workers are defined as "in an irregular situation" if they are not authorized to enter, to stay and to engage in a remunerated activity in the destination country. Under article 11, migrant workers are protected from being held in slavery or servitude or from being required to perform forced or compulsory labour.

19. The fundamental ILO conventions[10] and the ILO Migration for Employment Convention 1949 (No. 97) and the Migrant Workers (Supplementary Provisions)

---

[6] Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, art. 1 (a).

[7] See International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), art. 2.

[8] "Promoting jobs and enterprise, guaranteeing rights at work, extending social protection and promoting social dialogue are the four pillars of the ILO Decent Work Agenda with gender as a cross-cutting theme", foreword to ILO, "Decent work and the 2030 Agenda for Sustainable Development". See also ILO Declaration on Fundamental Principles and Rights at Work (1998), which commits ILO member States to respect and promote the elimination of child labour and forced labour, freedom from discrimination at work and freedom of association and collective bargaining, whether or not they have ratified the relevant ILO conventions.

[9] See Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005) on the right to work, para. 30.

[10] The fundamental ILO Conventions are: the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); the Right to Organize and Collective Bargaining Convention, 1949 (No. 98); the Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour

Convention, 1975 (No. 143) also address the protection of labour rights of migrant workers. The ILO Domestic Workers Convention, 2011 (No. 189) and its accompanying Recommendation No. 201 contain norms and standards for the effective promotion and protection of the rights of domestic workers, including migrant domestic workers.

20. The Domestic Workers Convention defines domestic work as "work performed in or for a household or households". Domestic work is thus defined by the place in which the work is performed and not by the employer or by tasks. Cleaning, cooking, washing, grocery shopping, taking care of children, the elderly and/or the sick, gardening, driving and guarding the house can all be covered by the definition in the Convention.[11] Article 5 of the Convention requires that "each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence". States are required to ensure that before departure, migrant domestic workers have written contracts that they can understand and that are enforceable in the country of employment (art. 8 (1)). States parties are encouraged to collaborate to ensure the effective application of the Convention to migrant domestic workers (art. 8 (3)) and called upon to regulate the recruitment of domestic workers by private employment agencies and to conclude bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in the recruitment, placement and employment of migrant domestic workers (art. 15). Article 15.1 (e) states that fees charged by private employment agencies should not be deducted from the remuneration of domestic workers.

21. A number of regional mechanisms and instruments similarly protect the rights of migrant domestic workers, including those in an irregular situation.

22. In addition, all States Members of the United Nations have committed to achieving the Sustainable Development Goals, which contain interlinked targets addressing the root causes of contemporary forms of slavery. Target 8.7 commits States to "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms" and target 8.8 requires them to "Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment".

23. The positive contribution of migrants for inclusive growth and sustainable development are recognized in the Sustainable Development Goals and States have committed to cooperating internationally to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants, regardless of migration status, of refugees and of displaced persons. States need to ensure that those protections apply to all migrant workers irrespective of their migration status.

IV. Women migrant domestic workers, economic policies and causes of servitude

24. Paid domestic work is a highly feminized sector, with recent estimates indicating that there are 70 million domestic workers employed by households worldwide, of which 49.2 million are women (70 per cent) and 11.5 million are migrant women. Women domestic workers outnumber men in almost all regions. They constitute almost all domestic workers in the Americas (92.1 per cent), in Europe and Central Asia (88.7 per cent) and in Africa (80.3 per cent).[12]

25. The steady increase in the overall number of workers, mainly migrant women, seeking employment in the domestic sector is attributed to three main factors: the

Convention, 1957 (No. 105); the Minimum Age Convention, 1973 (No. 138); the Worst Forms of Child Labour Convention, 1999 (No. 182); the Equal Remuneration Convention, 1951 (No. 100); and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

[11] See ILO, "Formalizing domestic work" (2016).

[12] See ILO, *Care Work and Care Jobs for the Future of Decent Work* (Geneva, 2018).

integration of women into the global labour market, which leaves a gap with regard to domestic and care work; demographic shifts, which are reflected in an ageing population and a reduction in the role of the traditional extended family; and increasing reliance on domestic workers related to the insufficiency of public care service provision.[13]

26. That increase in numbers has occurred within the framework of a neoliberal economic model, as global markets have exacerbated social hierarchies and shaped structural and long-lasting patterns of exploitation.[14] That macroeconomic framework is a key driver for the slavery and servitude of women, especially in relation to forced labour, debt bondage, harmful working conditions and other violations of labour rights.[15] The privatization of public services, structural adjustment programmes and cuts to social welfare schemes have led to the migration of people from rural areas to cities within their countries or overseas.[16]

27. Indebted States, aiming to appease the global financial institutions pushing for austerity measures and structural adjustment programmes, have actively promoted the emigration of women in order to increase their remittances, without proper guarantees regarding compliance with human rights and labour standards.[17] Some countries have encouraged the migration of domestic workers as part of a deliberate strategy to alleviate poverty, reduce unemployment and generate access to hard currency.[18]

28. Domestic work is undervalued, informal and invisible, which leads to poor working conditions and to vulnerabilities which are higher than in other forms of informal employment.[19] It is considered "unskilled" work, despite that fact that many migrant domestic workers are educated and highly skilled.

29. Many marginalized women see domestic work as a way of escaping violence, including domestic violence and forced marriage. Other common push factors for migration include feminized poverty, conflict, and economic and social transformation; also discrimination based on gender, caste, class, age, occupation, language, race, religion or other factors; limited access to landownership; inequality within and between countries; climate change, and an overall lack of choice for women to determine their own lives. That should not discount the agency of women who choose to migrate or those who find "liberation" in the chance to become independent breadwinners and to improve their children's lives.

30. There are examples of countries which place restrictions on women's migration for domestic work as a way to prevent trafficking and exploitation. In practice, this has unintentionally pushed women to use irregular migration channels which heighten their risk of sexual and gender-based violence, exploitation and abuse (see A/HRC/38/41/Add.1, paras. 77–78).[20]

31. An estimated 11.5 million domestic workers are international migrants, representing 17.2 per cent of all domestic workers and 7.7 per cent of all migrant workers worldwide.[21] These figures indicate that household tasks are carried out by migrant workers in many parts of the world and many of them leave their domestic and care responsibilities to

[13] See ILO, "Formalizing domestic work".

[14] See Geneviève Le Baron and others, *Confronting Root Causes: Forced Labour in Global Supply Chains* (openDemocracy and Sheffield Political Economy Research Institute, January 2018).

[15] See Asia Pacific Forum on Women, Law and Development, "Briefing paper on the gender dimension of contemporary forms of slavery, its causes and consequences" (April 2018).

[16] See Global Alliance Against Traffic in Women, "Enabling access to justice. A CSO perspective on the challenges of realising the rights of South Asian migrants in the Middle East" (Bangkok, 2017).

[17] Center for Women's Global Leadership, submission for the present report. All submissions available from www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/DomesticServitudeSubmissions.aspx.

[18] Ibid.

[19] United Nations Entity for Gender Equality and the Empowerment of Women, submission for the present report.

[20] See also Anti-Slavery International, submission for the present report.

[21] *ILO Global Estimates on Migrant Workers, Results and Methodology. Special Focus on Migrant Domestic Workers* (Geneva, 2015).

others.[22] Most migrant domestic workers are from the global South, working in high-income countries. The Arab States, North America and Northern, Southern and Western Europe account for about 52 per cent of all domestic workers worldwide, with the majority being migrants.[23] In the Arab States, 82.7 per cent of all domestic workers are migrants and there is a particularly strong link between female migration and domestic work in the region.[24] In Hong Kong, there are approximately 370,000 migrant domestic workers (98.8 per cent are women)[25] and in Latin America and the Caribbean, 17.2 per cent of all domestic workers are migrants.[26]

32. A range of social and economic conditions place women migrants in situations of vulnerability, especially if they are members of indigenous groups, members of caste affected groups or if they face multigenerational poverty.[27] Discrimination on various grounds increases the chance of already vulnerable individuals becoming trapped in domestic servitude, reducing their opportunity to escape from the situation either in the short- or long-term. Marginalized women often suffer long-standing patterns of discrimination that perpetuate not only domestic work but also the migration cycle. Women migrant domestic workers are discriminated against on the basis of sex, gender, race, ethnicity, national origin and social status, which leads to intersecting disadvantages. Furthermore, discriminatory migration policies limit women's access to safe and orderly migration pathways, which in turn limits their job opportunities in transit and host countries. On that basis, many migrant women end up in informal employment, particularly in domestic and care work.[28] They often do not have employment contracts, which makes it difficult to protect and claim their rights.[29] In Mexico, for example, 9 out of 10 domestic workers do not have a contract.[30]

33. Informal jobs perpetuate traditional gender norms regarding "women's work" and they offer limited or no social protection or labour rights. That is related to the fact that domestic work is not considered as employment under labour law and thus households are not recognized as workplaces and private persons who hire them are not recognized as employers (see A/HRC/15/20, para. 75). ILO estimates that 75 per cent of all domestic workers are in informal jobs and only 10 per cent of all domestic workers are covered by general labour legislation to the same extent as other workers and 29.9 per cent are completely excluded from the scope of national labour legislation.[31] The exclusion of domestic work from labour protections is one of the manifestations of discriminatory attitudes towards women's work and it also makes domestic workers more vulnerable to servitude.[32]

34. In European Union member countries, for example, application of labour rights to domestic workers is very limited in both law and practice, in particular for undocumented domestic workers.[33] Consequently, the usual labour standards often do not apply to migrant domestic workers, for example with regard to maximum or standard working hours, as applicable to other sectors.[34] In that context, victims are at risk of being criminalized for immigration or criminal offences that are committed as a direct result of exploitation: they may be penalized for being undocumented if their employer or recruitment agent retains their passport, or they may even be subjected to corporal punishment for immigration

---

[22] ILO, *Domestic Workers Across the World: Global and Regional Statistics and the Extent of Legal Protection* (Geneva, 2013).

[23] *ILO Global Estimates on Migrant Workers*.

[24] Ibid.

[25] Government of Hong Kong, China, action plan to tackle trafficking in persons and enhance protection of foreign domestic helpers (March 2018).

[26] *ILO Global Estimates on Migrant Workers*.

[27] PICUM, GAATW and La Strada International, submission for the present report.

[28] Ibid.

[29] Anti-Discrimination Centre Memorial, submission for the present report.

[30] See submission of Mexico.

[31] ILO, *Domestic workers across the world*.

[32] Ibid.

[33] Submission of PICUM, GAATW and La Strada International.

[34] Justice Centre Hong Kong, submission for the present report.

offences.[35] The criminalization of victims of trafficking or servitude is exacerbated by among law enforcement personnel based on power, gender, race and social status.[36]

35. Labour inspectors are not often allowed to inspect private homes without judicial authorization, which means that there is no oversight over the working and living conditions of domestic workers. That has serious consequences, for all domestic workers, but particularly for migrant domestic workers in an irregular situation, for example regarding their access to health care, social protection and labour rights, such as rest time, regulated working hours or maternity leave.[37] Furthermore, migrant workers in an irregular situation often lack knowledge about the applicable laws, their rights and their employer's obligations, much less about support and protection services and even the risks they might face during the migration process and upon arrival in the country of destination.[38] Even if legislation is favourable, workers are often not informed about their rights, the duration of their contract, salary, weekly time off or daily hours in order to prevent abuse.

36. In some countries of the Gulf Cooperation Council, such as Bahrain, Saudi Arabia and the United Arab Emirates, which host about 2 million migrant domestic workers, and in other Arab States, such as Lebanon, migrant workers are particularly vulnerable to exploitation due to the *kafala* system of labour sponsorship (A/HRC/36/43). Under this system, the immigration status of a migrant worker is legally bound to an individual employer or sponsor for the period of the contract. Control over the worker is often increased by their employer confiscating their passport and travel documents, despite legislation in some destination countries that declares this practice illegal.[39] Being required to live in the employer's home increases the dependency on the employer, blurs work and rest time and raises privacy concerns. Owing to the live-in rule, enforcement of regulations and monitoring of the working conditions of migrant domestic workers are difficult and limited, as any abuse takes place behind closed doors.

37. Domestic workers in diplomatic households face similar practices, as their residence permits are commonly linked to their employers, leading to a major protection gap based on the dependency and vulnerability of the domestic worker.[40] Accessing justice is very difficult for domestic workers in diplomatic households owing to the immunity of the employer.[41] In recent years, however, efforts led by the Organization for Security and Cooperation in Europe (OSCE) to prevent domestic servitude in diplomatic households have resulted in normative changes in at least 16 OSCE States. In the United States of America, the federal authorities have prosecuted 11 criminal cases against diplomats and international officials for trafficking, abuse and exploitation of domestic workers since 2000.[42]

38. Migrant domestic workers in an irregular situation are "invisible" to national authorities and often face language barriers, a lack of knowledge about their rights and often lack a safety net or a social network in the host country. Owing to fear of deportation, domestic workers tend to live in anonymity, which can lead to isolation and hence to an enabling environment for forced labour and servitude.[43]

39. Evidence gathered has shown that if migrant domestic workers have contracts that are not tied to their employers and if they are free to change jobs in cases of abuse, that provides them with a safe way out of situations of servitude and abuse. Such measures are only effective, however, if migrant domestic workers are not required to leave the country

[35] Ibid.
[36] ILO, "Lessons learned by the work in freedom programme" (New Delhi, 2017).
[37] See Committee on Migrant Workers, general comment No. 1 (2011) on migrant domestic workers, para. 43.
[38] ILO Ethiopia, submission for the present report.
[39] Migrant Forum Asia, policy brief No. 2, "Reform of the kafala (sponsorship) system", available at www.ilo.org/dyn/migpractice/docs/132/PB2.pdf.
[40] Ban Ying and LEFÖ-IBF.
[41] Ibid.
[42] Human Trafficking Legal Center, submission for the present report.
[43] Ibid.

upon termination of their original employment and if a visa extension of sufficient length is provided, allowing them to find an alternative employer.[44]

V. Human rights violations and access to justice

40. Gender-based violence faced by domestic workers is often ignored or considered a personal problem, rather than a rights violation for which the employer is responsible.[45] Those risks and vulnerabilities are further aggravated for migrant domestic workers who are undocumented or in an irregular situation, not least because they often risk deportation if they contact the State authorities to seek protection from an abusive employer.[46]

41. Not all migrant domestic workers face working and living conditions which amount to servitude. Owing to the informality of domestic work, there is insufficient data on migrant women in domestic servitude. However, domestic workers face some of the poorest working conditions across the care economy and are particularly vulnerable to exploitation.[47] Their working conditions are the result of a set of labour market, migration and care policies, or the lack thereof. Depending on available and affordable alternatives, households may find it tempting to resort to the cheapest and easiest solutions for care on the market, which are commonly domestic workers.[48]

42. Frequently driven by poverty, domestic workers, including migrants, often find themselves forced to accept working and living conditions that violate their fundamental human rights. On that basis, many migrant domestic workers are exposed to multiple types of abuse, such as physical and social isolation; restriction of movement; psychological, physical and sexual violence; intimidation and threats; retention of identity documents by the employer; withholding of wages; abusive working and living conditions and excessive overtime. If one or more of these situations applies, ILO considers it to constitute forced labour.[49] If those indicators of forced labour are combined with a lack of choice and strong control over their personal freedom, which many employers exercise, domestic workers may find themselves trapped in servitude, or even slavery.

43. A 2017 report on modern slavery indicates that the domestic work sector accounted for 24 per cent of forced labour exploitation and there were multiple means of coercion, including violence, experienced by domestic workers.[50] A forthcoming study conducted by ILO found that 72 per cent of returnees and Ethiopian migrant domestic workers in Arab States were characterized as victims of forced labour.[51]

44. Whether a migrant domestic worker is likely to be in forced labour depends largely on their debt burden, which many incur through recruitment fees. Workers with excessive debt were found to be six times more likely to be in forced labour than those without high debt, as they felt they had no choice but to keep working even in abusive conditions.[52] Workers often have to repay their debts for several months and sometimes years while recruitment fees are often directly deducted from their wages. This system creates a strong dependency on the employer and thus increases the risk of abuse and exploitation.

45. Highly abusive working and living conditions are prevalent in all geographic regions and by working in private homes migrant workers put their right to privacy and to security

[44] Kalayaan and Anti-Slavery International, submission for the present report.
[45] Ibid.
[46] See Committee on Migrant Workers, general comment No. 1 (2011) on migrant domestic workers, para. 7.
[47] ILO, *Care Work and Care Jobs for the Future of Decent Work* (Geneva, 2018).
[48] Ibid.
[49] "ILO indicators of forced labour. Special action programme to combat forced labour" (Geneva, 2012).
[50] ILO, International Organization for Migration and Walk Free, "Global estimates of modern slavery: forced labour and forced marriage" (2017).
[51] ILO, "Improved labour migration governance to protect migrant workers and combat irregular migration in Ethiopia" (2018).
[52] Justice Centre Hong Kong, "Coming clean - an overview" (2016).

at risk.[53] Migrant domestic workers often suffer high rates of physical and psychological abuse, including the absence of any private space, such as a bedroom, over 15 hours of work a day, no clear rest periods and an expectation that they will be on standby at all times. The confiscation of identity documents, the prohibition or unreasonable restriction of mobile phones and a prohibition on leaving the house, including during rest periods, are also frequent practices.[54] In one case, a domestic worker was not able to speak with her family in almost seven years.[55] Such exploitative conditions have a dire impact on the health of domestic workers, as they have insufficient time to care for themselves and their families.

46. Many migrant domestic workers are subject to sexual harassment and to gender-based violence that is often ignored or considered a personal matter, rather than a rights violation for which the employer is responsible.[56] Certain instances of abuse by employers can potentially amount to torture and several deaths of domestic workers have been made public in the recent past. Discriminatory or even racist treatment of migrant domestic workers is frequent.

47. Some domestic workers live in constant fear of being raped.[57] In some countries, domestic workers who complain of sexual assault might face allegations of adultery and fornication, which are punishable by law. In other countries, domestic workers who become pregnant face termination of work and they become irregular migrants and hence face severe constraints in accessing health care.[58]

48. Other types of abuse suffered by migrant domestic workers include being deprived of food and water; low or no pay; constant surveillance; exposure to hazardous chemicals without adequate protection; and lack of access to health care, which is often due to a prohibition to leave the house, the high cost of health care or because migrant domestic workers lack documentation to prove their legal right to work in the country and therefore cannot access services.[59] Migrant domestic workers commonly suffer from isolation from the outside world owing to a lack of language skills. In some cases, domestic workers are forced to sleep in the kitchen, on balconies, in the toilet or in a warehouse.[60]

49. In some countries, domestic workers are required to undergo mandatory medical tests which screen for pregnancy, syphilis, HIV and tuberculosis every six months. Those who fail the tests are repatriated.[61] Such practices are discriminatory, invasive and violate the right to privacy and dignity of migrant workers.

50. A further human rights violation commonly affecting domestic workers is the denial of their rights to freedom of association. As a result, domestic workers have a limited voice and representation in the sector which is one of the factors leading to poor working conditions.[62] The nature of the work — being located in a private home and often lacking freedom of movement — means it is difficult for migrant domestic workers to organize and join trade unions. In countries such as Lebanon, for example, a request for official recognition of a domestic workers union was denied by the Government.[63]

51. The vast majority of countries provide a maximum limit on working hours and guarantee weekly rest and annual leave. However, domestic workers are often exempted from this standard. Even where labour laws cover domestic workers in principle, there are often exemptions on maximum working hours, as it is considered that domestic work is not

[53] ILO, *Care Work and Care Jobs for the Future of Decent Work*.
[54] Submission of Kalayaan and Anti-Slavery International.
[55] Ibid.
[56] Center for Women's Global Leadership, submission for the present report.
[57] Submission of the Human Trafficking Legal Center.
[58] See Bina Fernandez, "Health inequities faced by Ethiopian migrant domestic workers in Lebanon", *Health and Place*, vol. 50 (March 2018).
[59] Submission of Anti-Slavery International.
[60] Ibid.
[61] Humanitarian Organization for Migration Economics, submission for the present report.
[62] ILO, *Care Work and Care Jobs for the Future of Decent Work*.
[63] Submission of Anti-Slavery International.

suitable for regulation because it is still regarded as a private arrangement in a household.[64] Similarly, 42.6 per cent of all domestic workers were found not to enjoy minimum wage protection and more than one third of all women domestic workers are not entitled to maternity leave or associated benefits. Coverage gaps are particularly significant in the Middle East and in South-East and South Asia.

52. Globally, the lack of social security benefits and of gender-sensitive health care coverage further increases the vulnerability of migrant domestic workers and their dependence on their employers.[65] In such a situation, it is very difficult for undocumented migrant domestic workers to safely exit a situation of violence and exploitation.

53. Over the past years, the treaty bodies have expressed serious concern regarding forced labour and the domestic servitude of women and children in all geographic regions.[66] For example, they have referred to practices amounting to domestic servitude or to insufficient legislation to prevent exploitation and abuse in the domestic sector.

54. Forced labour is an absolute violation of fundamental human rights and is considered a crime in most national legal systems. Nevertheless, victims of forced labour, servitude or other types of slavery-like practices face significant barriers in submitting and pursuing complaints, and thus face severe difficulty in securing access to justice for violations of their rights. That may be owing to a prohibition to leave the house, the confiscation of their passport or a fear of homelessness, detection of irregular migration status, arrest, detention or deportation.

55. Some migrant workers do not report abuse because they are not familiar with reporting channels, they do not trust governmental authorities or do not have access to the justice system under national laws, such as in Lebanon.[67] In other instances, they report crimes of forced labour or servitude, or of violence and abuse, but are not taken seriously by the authorities and the judiciary. Another obstacle is the absence of safe reporting channels. In many countries, a complaint cannot be filed without the involvement of the immigration authorities, which exposes victims to the authorities rather than enabling them to access services and protection mechanisms. If victims of servitude and of other human rights violations were able to file complaints, regardless of their migration status, and adequate firewalls between labour and immigration ministries were in place, their access to justice and protection from servitude, exploitation and abuse could be enhanced.

56. Ultimately, the significant asymmetry of power between domestic workers and their employers constitutes an obstacle to accessing justice and increases the difficulties workers may have in proving coercion and abuse. Evidence regarding the conditions of employment of a domestic worker remains within the confines of the workplace, the employer's home, while, depending on the jurisdiction, the burden of proof lies on the domestic worker and free legal aid is rarely available.[68] Furthermore, the absence of formal accountability mechanisms in the domestic sector makes it very difficult for victims to access justice and adequate remedies.[69] In countries such as France, many migrant domestic workers are exploited by individuals of the same nationality, which increases the fear of repercussions against family members in case of any reports of abuse.[70]

57. The existing structural barriers to accessing justice for victims of servitude contribute to a culture of impunity among perpetrators.[71] Very few victims of servitude seek compensation and as survivors of exploitation and abuse do not always identify as victims,

---

[64] ILO, *Domestic workers across the world*.

[65] Ibid.

[66] See, for example, CAT/C/LBN/CO/1; CMW/C/BGD/CO/1; CMW/C/SEN/CO/2-3; CRC/C/CAF/CO/2; CRC/C/PAK/CO/5; CEDAW/C/BDI/CO/5-6; CEDAW/C/PHL/CO/7-8; CCPR/C/KAZ/CO/2; and CCPR/C/CHL/CO/6.

[67] Article 7 of the Lebanese labour law excludes domestic servants from the scope of application (see the submission of ILO Ethiopia).

[68] Submission of ILO Ethiopia.

[69] Ibid.

[70] Comité Contre l'Esclavage Moderne, submission for the present report.

[71] Submission of PICUM, GAATW and La Strada International.

and do not therefore seek access to justice. Others endure exploitative conditions because of the pressure to send remittances to their families.

VI. The role of private employment agencies

58. Private employment agencies constitute an important global industry composed of private sector actors, such as recruiters and their sub-agents, pre-departure training centres, transport companies and travel agencies, medical screening centres, insurance companies and visa consultancies, among many others. Those various, non-homogeneous businesses profit from the recruitment of migrant workers from one country and their placement in jobs in another.[72]

59. The lack of regulatory scrutiny over recruitment agencies exacerbates the vulnerability of migrant domestic workers to trafficking, bonded labour, forced labour and servitude.[73] Agencies and sub-agents that are not registered are not subject to the applicable laws, which makes it difficult to hold them accountable. In some cases, recruitment agents are close relatives or other persons known to the potential migrants, which often inspires trust and non-identification of the risk of being trafficked for labour exploitation.[74] In some cases, dependency on an employer or a recruiter might be seen as a positive aspect and as providing stability and protection.[75]

60. The complex and non-regulated system of private employment agencies provides an enabling environment for abuse and human rights violations. Exploitative practices among informal agents operating in different geographic regions are well known.[76] Such practices include the provision of false information regarding the type of employment; the conditions to be expected in the receiving country; the charging of illegal recruitment fees, which often lead the migrant to incur large debts; the confiscation of identity documents as a means to control the worker; and threats and intimidation and withholding of wages.[77] Frequently, the employer pays the wage to the recruitment agency, but the worker does not receive the wage. The employer has full control over the domestic worker for the duration of the contract with the recruitment agency and in order to retain and control the worker, coercion, verbal and physical violence are often used.[78] Migrant domestic workers who wish to return home are often dependent on the agents who recruited them, who may not be willing to facilitate their return home and so force them to remain and work in the host country.[79]

61. In some countries, legislation has been adopted that establishes a maximum amount which recruitment agencies are allowed to charge. In practice, however, many agencies charge more than the legal limit under the respective prevailing monthly salary. This practice makes workers more vulnerable to debt bondage and to exploitation.

62. Some countries have taken measures to prevent abusive practices by private employment agencies. In Lebanon, a code of conduct launched in 2013 provides guidance to recruiting agencies on promoting and protecting the rights of migrant domestic workers in the country.[80] Under the code of conduct, labour recruiters are prohibited from charging migrant workers recruitment fees but in practice, fees are charged instead in the home country or there are indirect fees through wage deductions by the employer.[81] In that sense, enforcement of the code of conduct has been limited and complementary measures, such as

---

[72] ILO, "For a fee: the business of recruiting Bangladeshi women for domestic work in Jordan and Lebanon" (Geneva, 2015).

[73] Submission of Anti-Slavery International.

[74] Jharkhand Anti Trafficking Network, submission for the present report.

[75] Ibid.

[76] Ibid.

[77] Beate Andrees, Alix Nasri and Peter Swiniarski, *Regulating Labour Recruitment to Prevent Human Trafficking and to Foster Fair Migration: Models, Challenges and Opportunities* (ILO, Geneva 2015).

[78] Submission of Jharkhand Anti Trafficking Network.

[79] Ibid.

[80] See www.ohchr.org/EN/NewsEvents/Pages/LebanonCodeOfConduct.aspx.

[81] Submission of Anti-Slavery International.

the adoption and implementation of strong legislation on the regularization of recruitment agencies, would be needed.

63. The registration of recruitment agencies is another important step in preventing abuse through increased legal accountability.[82] Ethiopian legislation, for example, clearly defines and regulates the role of the private sector in overseas employment exchange services, in order to avoid precarious recruitment processes.[83] The withholding of travel documents by the agency and charging a fee on the worker are equally prohibited in Ethiopia.[84] With the objective of making recruitment processes more transparent and fairer, the Gulf Cooperation Council has agreed to establish standard regulations on transfer of employment, contracts and a minimum wage for domestic workers in 2018.[85]

64. In order to address concerns related to private employment agencies, informal labour intermediaries and other actors operating outside the legal and regulatory framework, ILO launched a global "Fair Recruitment Initiative" in 2015 which aims to prevent human trafficking; protect the rights of workers, including migrant workers, from abuse and fraudulent practices during the recruitment and placement process; reduce the cost of labour migration; and enhance development gains. The multi-stakeholder initiative is implemented in cooperation with Governments, employers' and workers' organizations, the private sector and other key partners.[86]

VII. Positive measures to protect against domestic servitude

65. At the regional and national level, numerous initiatives in law and in practice have led to improved conditions for migrant domestic workers. Steps have also been taken to reduce the risk of servitude specifically. For example, in cooperation with international organizations, OSCE and Belgian trade unions have promoted improved working conditions for workers in diplomatic households. That has led to significant changes: for example several European countries now interview workers upon arrival.[87] Some countries work with civil society organizations and use the annual work permit renewal as an opportunity to provide domestic workers with information and to identify cases of exploitation and human trafficking. In Germany, domestic workers present themselves personally once a year at the Federal Foreign Office for an interview upon renewal of the work permit, at which proof of the proper payment of wages by the employer needs to be provided through bank statements. In Austria, a yearly information seminar takes place, to which all domestic workers registered as working for diplomats receive a non-binding invitation. Similarly, the United States has taken measures to protect domestic workers in diplomatic households by introducing mandatory contracts in which the wage rate, regular rest times and a prohibition on making deductions for room and board, travel, medical care or meals are stipulated.[88]

66. In Colombia, domestic workers are protected by labour law and are required to have a contract that regulates their working conditions. Nevertheless, employers continue to have limited knowledge of the standards and legislation applicable to domestic workers and the oversight mechanisms required to monitor the effectiveness of mandatory contracts are lacking. In countries such as the United Kingdom and the Dominican Republic, training on identifying victims of contemporary forms of slavery is conducted for relevant government officials. The United Kingdom identifies and supports potential victims of contemporary forms of slavery, including human trafficking, through the National Referral Mechanism.[89]

---

[82] ILO, "Regulating international labour recruitment in the domestic work sector: a review of key issues, challenges and opportunities" (Geneva, 2016).

[83] Submission of ILO Ethiopia.

[84] See Overseas Employment Proclamation No. 923/2016.

[85] See *The National*, "GCC working on unified domestic worker policy", 15 April 2018.

[86] See the ILO fair recruitment initiative, available at www.ilo.org/global/topics/fair-recruitment/lang--en/index.htm.

[87] Submission of PICUM, GAATW and La Strada International.

[88] Ibid.

[89] United Kingdom and Dominican Republic, submissions for the present report.

However, major challenges regarding the identification of victims persist in the absence of regular labour inspections in private homes.

67. Despite the continuing existence of significant obstacles to access to justice, judgments have been issued in several countries in favour of domestic workers who had suffered exploitation, abuse or even death. In France in January 2018, a couple was sentenced to three years in prison for human trafficking after taking a domestic worker from Dubai to France, where she worked in conditions of forced labour.[90] The couple was required to pay a fine and compensation to the victim. Similarly, in May 2018 a migrant domestic worker who was fired without cause in Canada won severance pay in a lawsuit with the help of a non-profit agency that provided legal support. Given the gravity of the circumstances, however, some sentences seem disproportionately lenient. In one country, a couple who had starved their domestic worker were sentenced to 10 months in jail in 2017. In another country, the criminal court issued a judgment against the employer of a migrant child domestic worker who had been abused and exploited. The employer was sentenced to six months in prison, among other penalties, in 2010.

68. In Uruguay, the first ever labour inspection in a private home, which took place in 2012, led to the identification of violations of the labour rights of three migrant domestic workers and the employers were required by the administrative tribunal to pay them compensation.[91] In the United Kingdom, three cases of alleged domestic servitude have been investigated since 2017 but without prosecution so far. In 2016, the country did, nevertheless, implement some changes in the immigration rules to the effect that migrant domestic workers, including those in diplomatic households, are now allowed to change employer within the six-month validity of their visa, among other measures.[92] The victims' rights directive of the European Union also applies to migrant domestic workers who are victims of labour exploitation that amounts to a criminal offence, including trafficking in persons. It explicitly applies to undocumented migrants and sets out minimum standards for rights, although implementation for undocumented victims of crime remains limited.

69. In the Middle East, Qatar ended the *kafala* system in 2017 and a maximum 10-hour workday, a weekly rest day and other measures to protect domestic workers from exploitation were introduced. Nevertheless, domestic workers still have fewer protections than other workers.[93] Kuwait and the United Arab Emirates recently adopted new regulations which are aimed at improving the working conditions of domestic workers.[94] Saudi Arabia and the Philippines signed a bilateral agreement in 2013 that contains specific provisions for joint regulation of private employment agencies. The agreement was the first of its kind to be signed by a country of origin in Asia and a destination country in the Middle East.[95] In 2017, the United Arab Emirates set up a special prosecution unit to try cases that involve the abuse of Filipino domestic workers.[96] However, despite the positive legislative changes introduced by some Middle Eastern countries, implementation and enforcement remain major challenges.[97]

70. The formation of workers' organizations covering migrant domestic workers, as well as their access to social dialogue mechanisms, such as collective bargaining, is critical to ensure that their voices are heard and that servitude and slavery-like conditions are prevented.[98] The Domestic Workers Convention requires ILO members to protect the right of domestic workers and their employers to establish and join organizations, federations and confederations. However, only a few countries have ratified the Convention and the

[90] Submission of Comité Contre l'Esclavage Moderne.
[91] Uruguay, submission for the present report.
[92] Submission of the United Kingdom.
[93] See Human Rights Watch, "Qatar: fix gaps in domestic worker law" (26 June 2018).
[94] See Rothna Begum, "Gulf States' slow march toward domestic workers' rights", Human Rights Watch (June 2017).
[95] ILO, "Regulating international labour recruitment in the domestic work sector".
[96] See *The National*, "GCC working on unified domestic worker policy".
[97] ILO Regional Office for Arab States, "Domestic workers and employers in the Arab States: promising practices and innovative models for a productive working relationship" (2017).
[98] ILO, *Care Work and Care Jobs for the Future of Decent Work*.

reality is that migrant domestic workers face practical and legal obstacles to organizing, including isolation, limited time and freedom of movement, fear of reprisals, language barriers and an absence of public gathering areas. In addition, many trade unions exclude migrant workers and particularly undocumented migrants, while in some countries migrants are not allowed to form or join unions.[99] For example, Gulf Cooperation Council countries deny domestic workers the right to form unions to claim their rights.[100]

71. Other initiatives to promote and protect the rights of migrant domestic workers have focused on safe migration pathways, education, fair recruitment and decent work for women in countries of origin and destination, such as the "Work in freedom" programme led by ILO in South Asia and the Middle East. Other programmes have integrated pre-departure training with post-destination community-building in order to provide migrant domestic workers with information about their rights and facilitate networking between them.[101] For example, in Germany, a non-governmental organization used posters that looked like advertisements from countries of origin, such as China, the Philippines and Thailand, and in the respective languages, whereby domestic workers were informed of where to seek confidential advice in case of abuse.[102]

VIII. Conclusions and recommendations

A. Conclusions

72. The human rights situation of domestic workers, including of migrant workers in domestic servitude, remains largely invisible, as it is confined to the private sphere. However, it is directly related to increasing globalization, macroeconomic policies which reinforce inequality and poverty, climate change and demographic changes that push women into migration. How care and domestic work are carried out is crucial to the future of decent work. By applying a human rights perspective, domestic servitude can be replaced with decent work and social justice, and a workplace free of violence and harassment.

73. Domestic workers can overcome their invisibility and promote decent work through representation in workers' organizations and by having access to collective bargaining, providing them with a voice to change exploitative working conditions. Effective collective bargaining of the domestic sector at the national level needs to be supported by a social dialogue involving tripartite partners in countries of origin, transit and destination. The active involvement of private recruitment agencies in that process is also critical to addressing the current challenges related to migrant domestic workers across international borders.

74. The right to freedom from servitude is violated when the State fails to take adequate measures to protect individuals from activities by private persons that amount to servitude. Duties exist on the part of both sending and receiving States.

75. One of the key challenges remains the identification of migrant workers in domestic servitude in the current context. A global rise in anti-migrant sentiment in many countries in recent years has been accompanied by harsher migration policies adopted by numerous Governments and by an excessive focus on the immigration status of the victims. As a consequence, irregular migrants, in particular, are more likely to be treated as perpetrators of an immigration offence than victims of domestic servitude entitled to protection, assistance and redress.

76. In some countries, progressive legislative and policy frameworks exist but their implementation is weak, owing to a lack of institutional capacity, the dispersion of the

[99] Global Alliance Against Traffic in Women, "Beyond borders: exploring the links between trafficking and labour" (2010).

[100] Human Rights Watch, "Middle East failing to protect domestic workers" (28 October 2013).

[101] Submission of Anti-Slavery International.

[102] Submission of PICUM, GAATW and La Strada International.

workforce in private homes and underlying social norms which mean that domestic work is not regarded as "real work". Discriminatory attitudes are particularly strong drivers where migrant domestic workers are also members of marginalized communities, such as caste-affected groups and indigenous groups, when their employers are from higher castes or are socially powerful. States must therefore reinforce their efforts to identify victims and potential victims of servitude, considering that migrants in vulnerable situations are always at high risk of falling prey to traffickers and of becoming victims of contemporary forms of slavery.

77. Another challenge relates to the fact that international human rights law and international labour law are not understood as applying to domestic workers and that ratification and implementation of existing international instruments and mechanisms which contribute to the prevention of domestic servitude, such as the Domestic Workers Convention, remain limited.

78. Generally, more attention is paid to human trafficking for sexual exploitation than to exploitation for forced labour, including servitude in the domestic sphere. A victim-centred approach needs to be applied to all victims of contemporary forms of slavery to ensure equal treatment, regardless of the sector of prevalence.

79. Victims of domestic servitude continue to face major obstacles in accessing justice owing to their dependency on the employer; minimal employer accountability owing to an absence of international standards in this area; widespread passport retention by the employer; poor enforcement of laws against employment agencies; a significant imbalance of power between employers and domestic workers that exacerbates vulnerability and abuse; a lack of knowledge of or reluctance to use existing complaint mechanisms by workers; and a lack of conceptual clarity around forced labour which, compounded with frequent psychological coercion, impacts on the identification of forced labour situations and the credibility and quality of prosecutions.

80. In formulating policy responses to ensure that migrant domestic workers do not become subject to slavery or servitude, States should note that not all women in domestic work are equally vulnerable. An intersectional approach to domestic servitude is therefore needed, recognizing the specific ways in which different women are affected.

81. The effective fulfilment of the Sustainable Development Goals and in particular of Goal 8 on the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all is directly linked to the prevention of domestic servitude. The Sustainable Development Goals agenda therefore provides a unique opportunity to reverse inequalities at the national, regional and global level, and to provide dignifying economic opportunities to all, including to migrant domestic workers.

B. Recommendations to States

82. To effectively prevent and combat domestic servitude, to ensure the protection of migrant women and their access to decent work, the Special Rapporteur recommends that States:

(a) Create viable, accessible and non-discriminatory employment options for women as a sustainable alternative to poverty and to prevent exploitation;

(b) Implement international human rights law and international labour law to ensure protection of the fundamental human rights of migrant domestic workers;

(c) Ratify and implement the ILO Domestic Workers Convention, 2011 (No. 189) and the Protocol of 2014 to the Forced Labour Convention, 1930, and implement the core conventions, including the Forced Labour Convention and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

(d) **Support the adoption of an ILO instrument on ending violence against and harassment of women and men in the world of work, including in paid care work;**

(e) **Enact and enforce criminal legislation prohibiting slavery, servitude and forced labour;**

(f) **Adopt and implement labour and social protection laws which extend to all domestic workers, including migrant domestic workers;**

(g) **Guarantee equal access for migrant women to services such as health care, including sexual and reproductive health care, and social protection. Also ensure that they have access to information materials in relevant languages;**

(h) **Guarantee the rights to assembly and to freedom of association for workers, including migrant domestic workers;**

(i) **Allow for collective bargaining in the domestic sector by promoting social dialogue involving tripartite partners in countries of origin, transit and destination;**

(j) **Avoid the isolation of domestic workers by ensuring their freedom of movement and access to communication;**

(k) **End sponsorship systems and prohibit the retention of passports or other identity documents by employers, introduce an independent immigration status and grant a grace period to migrant domestic workers to find new employment when leaving an employer;**

(l) **Establish accessible, safe and effective complaint mechanisms for victims of domestic servitude in order to increase the number of incidents reported;**

(m) **Investigate all allegations of domestic servitude with due diligence by also ensuring that victims of servitude have effective access to a remedy without discrimination;**

(n) **Reinforce efforts to identify perpetrators of domestic servitude and bring them to justice, including by developing and implementing measures for regular and proactive labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work;**

(o) **Make the inclusion of a gender perspective a strategic priority of labour inspectorates;**

(p) **Adopt measures to facilitate the recovery and reintegration of victims of servitude, inter alia by providing support services including access to health care, counselling, vocational training and legal aid;**

(q) **Promote informed decision-making and a shift in the attitudes of employers regarding the human rights of domestic workers, including of migrants, through awareness-raising and information campaigns in languages understandable to migrant workers;**

(r) **Engage with Alliance 8.7, a global multi-stakeholder platform promoting implementation of target 8.7 of the Sustainable Development Goals;**

(s) **Ensure that national migration policies are in compliance with international obligations to respect, protect and fulfil the human rights of all persons within the jurisdiction of a State, irrespective of the migration status of individuals. On that basis, adopt gender-responsive migration policies, programmes and services, and safe, orderly and regular migration pathways, including for women and girls, as a means of preventing domestic servitude and other types of contemporary forms of slavery. Women should actively participate in decision-making regarding their safety and protection;**

(t) **Ensure that migrant women have access to the regular labour market in the host country;**

(u) **Ensure that women and girls vulnerable to labour exploitation are promptly identified and referred to gender-sensitive services on arrival, in transit and in destination countries;**

(v) **In destination countries, clearly separate labour inspection, immigration management and law enforcement. Ensure that the labour inspectorate is proactive, adequately resourced and entitled to conduct inspections of private households;**

(w) **Regulate and monitor private recruitment agencies and sub-agents by explicitly prohibiting fraudulent and exploitative recruitment practices. Consider concluding bilateral, regional or multilateral agreements to prevent abuses in recruitment, placement and employment;**

(x) **In cooperation with civil society, trade unions and ethical recruiters, establish policies which favour and support ethical recruitment practices.**

C. Recommendations to other stakeholders

83. **National human rights institutions should become more involved in promoting and protecting the rights of domestic workers and of migrant workers.**

84. **Civil society organizations should monitor the elaboration and implementation of relevant legislation to protect the rights of domestic workers, including migrants.**

85. **Civil society organizations can facilitate the engagement of returning migrant workers through awareness-raising campaigns as a means of providing relevant information to potential migrants and to promote informed decision-making by them.**

86. **Anti-slavery civil society organizations working at the community level and women's rights movements need to work together to influence policy change and to effectively promote and protect the rights of migrant domestic workers.**

87. **Anti-slavery organizations should strengthen their efforts in appointing women in leadership positions in order to effectively represent the interests of women affected by slavery, including servitude.**